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14 IN THE UNITED STATES DISTRICT COURT
15
16 EASTERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 MICHAEL JAMES BRADY,

21 Defendant.

22 CASE NO. 1:00-CR-05345-AWI

23 MOTION AND PROPOSED ORDER TO ASSIGN
24 AND DISBURSE RESTITUTION

25 The United States of America, by counsel, respectfully requests that the Court order the Clerk of
26 the United States District Court to assign restitution and disburse the restitution funds already collected
27 and to be collected in the future, if any, in this case to Ms. Stacey S. Giguere, Mr. Warren Frank Jr. and
28 Mr. Lathon B. Frank, in equal shares, for the reasons set forth below.

29 On December 10, 2001, the Court entered a Judgement, which ordered defendant Michael James
30 Brady to pay restitution in the amount of \$4,500 to victim Warren Frank. Exhibit 1 at 6 (ECF. No. 13).

31 Victim Warren Frank passed away on February 13, 2020. The government received a copy of
32 Warren Frank's Last Will and Testament and a copy of his death certificate. These documents are
33 provided to the Court for *in camera* review as Exhibits 2 and 3. In their declarations, Ms. Stacey S.
34 Giguere, Mr. Warren Frank Jr. and Mr. Lathon B. Frank state their father died with a will and that they
35 served as the beneficiaries (provided to the Court for *in camera* review as Exhibits 4, 5, and 6). Ms.
36 Giguere, Mr. Warren Frank Jr., and Mr. Lathon B. Frank request that their father's portion of the
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1 restitution be paid to them in equal shares.

2 18 U.S.C. § 3663(a)(2) provides: “In the case of a victim who is under 18 years of age,
3 incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s
4 estate, another family member, or any other person appointed as suitable by the court, may assume the
5 victim’s rights under this section, but in no event shall the defendant be named as such representative or
6 guardian.”

7 In light of Warren Frank’s death, and pursuant to 18 U.S.C. § 3663(a)(2), the government
8 requests that any restitution proceeds currently available and any future restitution proceeds due to
9 Warren Frank be assigned and paid out to Ms. Stacey S. Giguere, Mr. Warren Frank Jr. and Mr. Lathon
10 B. Frank, in equal shares.

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12 Dated: December 1, 2022

PHILLIP A. TALBERT
United States Attorney

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14 By: /s/ ANTONIO J. PATACA
15 ANTONIO J. PATACA
Assistant United States Attorney

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1 [PROPOSED] ORDER
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3 This matter is before the Court on the government's motion requesting that the Clerk of the
4 Court assign restitution and be directed to pay the restitution currently in the Clerk's registry with
5 regards to Warren Frank to Ms. Stacey S. Giguere, Mr. Warren Frank Jr. and Mr. Lathon B. Frank, in
6 equal shares.

7 The Court, having considered the motion of the United States, now finds that the motion should
8 be, and hereby is, GRANTED.

9 IT IS HEREBY ORDERED that the financial unit for the U.S. District Court Clerk's Office for
10 the Eastern District of California is directed to pay any restitution currently available and any future
11 proceeds due to Warren Frank to Ms. Stacey S. Giguere, Mr. Warren Frank Jr. and Mr. Lathon B.
12 Frank, in equal shares.

13 IT IS SO ORDERED.

14 Dated: December 1, 2022

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16 SENIOR DISTRICT JUDGE